

**ORDINANCE NUMBER 04-17-23-04**

**AN ORDINANCE OF THE CITY OF NEW LONDON, CONNECTICUT, PROVIDING FOR THE ESTABLISHMENT OF A FAIR RENT COMMISSION.**

**WHEREAS**, the City of New London (hereinafter “City”) has a population of twenty-five thousand (25,000) or more, as determined by the most recent decennial census; and

**WHEREAS**, the Connecticut General Assembly adopted Public Act No. 22-30, requiring that any municipality with a population of twenty-five thousand (25,000) or more, as determined by the most recent decennial census, must create a Fair Rent Commission if it does not already have one; and

**WHEREAS**, the City does not currently have a Fair Rent Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEW LONDON:**

**Article I.** That the Code of Ordinances of the City of New London be amended by adding a new Section to read as follows:

**Section 1. Creation of Fair Rent Commission**

(a) Pursuant to and in conformity with the Connecticut General Statutes, as may be amended, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the City, and to carry out the purposes, duties, responsibilities and all provisions of the Connecticut General Statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(b) The Commission shall consist of five (5) members and two (2) alternates, all of whom shall be residents of the City. Of the five (5) regular members, two (2) shall be landlords and two (2) shall be tenants. Among the alternate members, one (1) shall be a landlord and one (1) shall be a tenant. The members and alternates shall be appointed as follows: two (2) regular members and one (1) alternate member shall be appointed by the City Council, and three (3) regular members, including the Chairperson of the Commission, and one (1) alternate member shall be appointed by the City Mayor. The Chairperson of the Commission shall neither be a landlord nor a tenant. A quorum shall consist of three (3) members or seated alternates. Members of the Commission shall serve without compensation.

(c) Members of the Commission shall be appointed for staggered terms of three (3) years, with initially two (2) members being appointed for one (1) year, two (2) members being appointed for two (2) years, and the Chairperson of the Commission being appointed for three (3) years. Vacancies on the Commission shall be filled, within a reasonable time, in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

## **Section 2. Powers of the Commission**

The Commission's powers shall include the power to:

- (1) Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect. Notwithstanding anything herein to the contrary, the Commission's powers shall not extend to any sort of authority or oversight of rent or rental charges associated with, and/or related to, short-term rental agreements;
- (2) Make such studies and investigations regarding rental housing within the City as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- (3) Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations, and conditions as set forth herein;
- (4) Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders, and continue, review, amend, terminate, or suspend any of its orders and decisions;
- (5) Determine, after a hearing as set forth herein, whether the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- (6) Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein; and
- (7) Carry out all other provisions of the Connecticut General Statutes, as now existing and as hereinafter amended, as they apply to fair rent commissions.

## **Section 3. Determination of Excessive Rent**

- (a) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:
  - (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
  - (2) The sanitary conditions existing in the housing accommodations in question;

- (3) The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
  - (4) Services, furniture, furnishings, and equipment supplied therein;
  - (5) The size and number of bedrooms contained therein;
  - (6) Repairs that may be necessary to make such accommodations reasonably livable for the occupants accommodated therein;
  - (7) The amount of taxes and overhead expenses thereof;
  - (8) Whether the accommodations are in compliance with the ordinances of the City and the Connecticut General Statutes relating to health and safety;
  - (9) The income of the petitioner and the availability of accommodations;
  - (10) The availability of utilities;
  - (11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
  - (12) The amount and frequency of increases in rental charges; and
  - (13) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.
- (b) Nothing in this section shall preclude the Commission from considering other relevant circumstances.

#### **Section 4. Procedures and Hearing on Complaints**

- (a) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. It shall also inform the parties that, until a decision on the complaint is made by the Commission, the tenant's liability shall be in the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the fair rent commission proceeding.
- (b) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.

(c) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.

(d) If both parties consent, a person designated by the City Mayor may mediate the dispute in an attempt to resolve the complaint. Any agreement to resolve the complaint shall be in writing and signed by the Parties.

(e) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail. Each party may consent, in writing, to receive notices by electronic mail only.

(f) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.

(g) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.

(h) No sale, assignment, transfer of the housing accommodation in question, or attempt to evict the tenant, shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

## **Section 5. Rent Reduction Order**

(a) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following the close of the public hearing, unless said decision date is extended by the Chairperson of the Commission. Until a decision on the complaint is made by the Commission, the tenant's liability shall be in the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent.

(b) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in Section 3, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, effective the month in which the tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time. Commission orders shall be effective for at least one (1) year from the date of issuance, unless the Commission otherwise orders.

## **Section 6. Appeals**

Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

## **Section 7. Failure to Comply with Commission Orders**

(a) Any person who violates any order of rent reduction or rent suspension by demanding, accepting, or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to General Statute §7-148e or Section 6 herein is pending, or who refuses to obey any subpoena, order, or decision of the Commission pursuant thereto, shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter.

(b) The Commission, through the office of the City's Law Director, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

## **Article II.**

A. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

B. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

C. This ordinance shall become effective after its passage as set forth in Section 27 of the City of New London Charter.